THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :19320 OF 2007

DATED:13-09-2007

BETWEEN:

V.Sekhar Reddy.

..... PETITIONER

AND

The Joint Collector,
Mahabubnagar District & 5 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 3rd respondent in not conducting fresh enquiry pursuant to the order, dated 28-12-2006, in proceedings No.B/2439/04, passed by the 2nd respondent, as illegal and arbitrary.

3. It is the case of the petitioner that he is the co-sharer of the land in an extent of Ac.4.36 guntas in Sy.No.408/AA situated at Undavalli village, Manopad mandal, Mahabubnagar District having 1/3rd share in the said land which was also confirmed by the civil Court proceedings. Whileso, respondents 4 to 6 fraudulently obtained the pattadar passbooks and title deeds in respect of the said land and on coming to know the same, petitioner filed an appeal under Section 5(5) of the A.P.Rights in Land and Pattadar Passbooks Act in proceedings No.B2439/04 and the 2nd respondent-Revenue Divisional Officer, Gadwal by order, dated 28-12-2006, set aside the order of the Mandal Revenue Officer, Manopad in File No.B/811/2003, dated 23-07-2003, and permitted the Mandal Revenue Officer, Manopad for fresh enquiry while giving opportunity to all the concerned. It is stated that pursuant to the said remand order the matter is pending before the 3rd respondent and he is not taking up enquiry *in spite* of the repeated

reminders and requests and therefore, petitioner seeks to issue writ of mandamus directing him to conduct and complete the enquiry.

4. In view of the aforesaid facts and circumstances, Writ Petition is disposed of directing the 3rd respondent to conduct fresh enquiry by giving opportunity to all the concerned pursuant to the remand order of the Revenue Divisional Officer, Gadwal, dated 28-12-2006, in File No.B/2439/2004 as expeditiously as possible, without any undue delay, in accordance with law. There shall be no order as to costs.

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V.ESWARAIAH,J

13th September, 2007.
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